

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, January 27, 2004, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

| | | |
|----------|--------------------------|---------------------|
| PRESENT: | COUNTY EXECUTIVE OFFICER | James D. Ruth |
| | COUNTY COUNSEL | Benjamin P. de Mayo |
| | CLERK OF THE BOARD | Darlene J. Bloom |

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Silva presented a resolution recognizing and congratulating Air Traffic Controllers at Orange County's John Wayne Airport

Chairman Wilson - 2004 State of the County Address

II. CONSENT CALENDAR (Items 1-41)

34125 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 16 WHICH WAS CONTINUED TO 3/2/04, 9:30 A.M.; ITEM 37 WHICH WAS CONTINUED TO 2/10/04, 9:30 A.M.; ITEM 38 WHICH WAS CONTINUED TO 2/3/04, 9:30 A.M.; AND ITEMS 24, 28, 31, 34 & 39 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

S U M M A R Y A C T I O N M I N U T E S

BOARD APPOINTMENTS

Chairman Wilson:

1. In-Home Supportive Services Advisory Committee - Appoint Jacqueline Sue Lauder, Yorba Linda, for term ending 12/31/04
2. Approve 2004 Chairman's appointments of Board members to various Boards, Commissions and Committees
3. **Supervisor Norby** - Senior Citizens Advisory Council - Reappoint Yvonne Mitchell, Placentia, for term ending 12/31/05

COMMENDATIONS/PROCLAMATIONS

Chairman Wilson:

4. Adopt resolution acknowledging Paul Peters for over 40 years of loyal service and thanking him for his outstanding dedication to the improvements of John Wayne Airport
RESO: 04-016
5. Adopt resolution recognizing Orange County Workforce Investment Board/Youth Council for their outstanding record of service
RESO: 04-017
6. **Supervisor Norby** - Adopt resolution recognizing and commending Ann Ballenger for her dedicated service with Orange County Social Services Agency
RESO: 04-018
7. **Supervisor Campbell** - Adopt resolution proclaiming February 6, 2004 as "Wear Red for Women Day"
RESO: 04-019

HEALTH CARE AGENCY

8. Approve rent-free license with Saddleback Valley Community Church for two portable buildings and portion of parking lot for bioterrorism emergency, Lake Forest; and make California Environmental Quality Act findings - District 5
9. Approve agreement 03-73150-000 with State Department of Mental Health for mandated mental health services, 7/1/03 - 6/30/04; authorize Director to submit Notice of Performance Contract Dispute for FY 2003-04 - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

10. Approve agreements with Coast Community College District/Coastline Community College (\$60,428) and Propath, Inc. (\$117,300) to provide services to dislocated workers, 10/1/03 - 6/30/04; and authorize Director to extend agreement under certain conditions - District 2

S U M M A R Y A C T I O N M I N U T E S

11. Approve amended FY 2003-04 Annual Action Plan allocation for Eastside Water Association; and make California Environmental Quality Act and National Environmental Policy Act findings - District 1

JOHN WAYNE AIRPORT

12. Approve plans and specifications and set bid opening for 3/3/04, 2:00 p.m., for renovation and construction of restrooms; and make California Environmental Quality Act findings - District 2
13. Approve plans and specifications and set bid opening for 3/3/04, 2:00 p.m., for installation of elevator; and make California Environmental Quality Act findings - District 2

SOCIAL SERVICES AGENCY

14. Approve Memorandum of Understanding CVC3303 with Canyon Acres Children's Services and Kinship Center for Family Ties Program, 2/1/04 - 12/31/04; renewable for one additional year - All Districts
15. Approve Memorandum of Understandings CVC3103 with Olive Crest Foster Family Agency and CVC3203 with Canyon Acres Children's Services for Intensive Treatment Foster Care Program, 2/1/04 - 12/31/04; renewable for one additional year - All Districts

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

16. Approve agreement D03-047 with Santa Ana for phase-out of annual reimbursement to City for Centennial Park - District 1 (Continued from 11/4/03, Item 18; 12/9/03, Item 15)
- 34125 **CONTINUED TO 3/2/04, 9:30 A.M.**
17. Accept work with DLS Builders for American Disabilities Act modifications to Manchester Office Building, project completed 12/12/03 (\$91,704) - District 3
18. Receive bids and award contract to ThyssenKrupp Elevator Corporation for replacement of jack assemblies for elevators 7, 8, 9, 10, 11, 12 and 13, Central Justice Center, Santa Ana (\$394,880) - District 1
19. Authorize release of security for monumentation, Tract 15637, Indian Wells Investment Company, Aliso Viejo - District 5
20. Receive bids and award contract to All American Asphalt for asphalt overlay resurfacing of Chapman Avenue from Cliffway Drive to Equestrian Drive (\$258,653.60) - District 3
21. Adopt resolution certifying completion of street improvements and street lights; authorizing release of security; and accepting public street improvements, street lights, sewer and water systems and monumentation, Tract 16118, William Lyon Homes, Inc., Ladera Ranch area - District 5
RESO: 04-020
22. Approve Tract 15988, DMB Ladera LLC, Ladera Ranch area; accept easements for scenic preservation, fire protection access purposes and emergency access purposes over Lots BA through BF; and approve construction agreement S1103-0141 and accept bonds guaranteeing construction of improvements - District 5
23. Approve price agreement N1000005602 with Safelite Auto Glass for automotive glass repair services,

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1/28/04 - 1/27/05 (\$40,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts

24. Approve amendment 2 to agreement with Southern California Softball Association for addition of group picnic area, Ralph B. Clark Regional Park, extending term for 5 years - District 4

42135 **CONTINUED TO 2/24/04, 9:30 A.M.**

25. Approve Tract 16387, Shea Homes Limited Partnership and DMB Ladera, LLC, Ladera Ranch area; accept easement for emergency access purposes over Lots A, B and portion of Lot E; approve construction agreement S1203-0144 and accept bonds guaranteeing construction of improvements - District 5

26. Approve Tract 16388, Shea Homes Limited Partnership, Ladera Ranch area; accept easement for emergency access purposes over Lots A and B; approve construction agreement S1203-0147 and accept bonds guaranteeing construction of improvements - District 5

27. Approve Parcel Map 2001-185, Richard and Michelle Huddleston, Northeast Tustin area; accept vehicular access rights to Old Foothill Boulevard; approve construction agreement S1203-0145 and accept bonds guaranteeing construction of improvements - District 3

28. Receive and file Code Enforcement Status Report - All Districts

23145 **RECEIVED AND FILED**

29. Find GAM Construction in default of contract for construction of contract of new elevator and ADA compliance modifications, Building A, County Operations Center; and terminate performance and tender completion of contract to First National insurance Company of America - District 1

Acting as the Orange County Flood Control District:

30. Approve Irrevocable Offer of Dedication from and easement deeds to Orange County Water District for flood control purposes; and make California Environmental Quality Act findings - Districts 1, 2, 3 and 4

31. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 regarding sediment removal from San Diego Creek; set review to determine continuing need for emergency action on 2/10/04, 9:30 a.m., and every 14 days thereafter; waive Integrated Waste Management Department landfill fees for disposal of up to 120,000 tons of vegetation and sediment - Districts 1, 2 and 3 (4/5 vote) (Continued from 12/16/03, Item 64; 1/6/04, Item 5; 1/13/04, Item 25)

23145 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Sheriff-Coroner:

32. Approve price agreement N1000005653 with EMC Corporation for maintenance of hardware and software, 10/24/03 - 10/23/04 (\$49,660); renewable for three additional years (\$54,983 per year) - All Districts

33. Approve purchase order PC 060 P0400003333 with Computer Deductions, Inc. to procure, install and configure network hardware and software (\$107,784) - All Districts

GENERAL ADMINISTRATION

S U M M A R Y A C T I O N M I N U T E S

34. **Clerk-Recorder** - Authorize Purchasing Agent to negotiate an agreement with low bidder for upgraded Local Area Network (not to exceed \$185,000) - All Districts (4/5 vote)

42135 **APPROVED AS RECOMMENDED**

X

35. **County Counsel - Acting as the Board of Supervisors and Orange County Development Agency and Orange County Housing Authority** - Approve amendment 2 to agreement with Goldfarb and Lipman for professional legal services - All Districts

County Executive Office:

36. Adopt resolution approving amended FY 2003-04 agreement with Community Service Programs, Inc. (CSP) to administer Office of Homeland Security/Office of Emergency Services grants for Victim/Witness Assistance Program (\$771,718) and Gang Victim Services (\$83,373); approving agreement with Victim Compensation and Government Claims Board and CSP for claim verification for victims of crime - All Districts
RESO: 04-021

37. Approve price agreement with Finite Matters Ltd. for PatternStream Software consulting services, 2/1/04 - 1/31/05 (\$10,000); renewable for two additional years - All Districts

34125 **CONTINUED TO 2/10/04, 9:30 A.M.**

38. **Human Resources** - Approve price agreement with National Center for Education, Research and Technology for development and implementation of Office Services Skilled Base Pay Plan (\$49,000) - All Districts

34125 **CONTINUED TO 2/3/04, 9:30 A.M.**

Registrar of Voters:

39. Approve price agreement N1000005668 with O'Neil Relocation Moving Systems, Inc. for transportation of voting equipment to and from polling sites, effective 1/27/04- 1/26/05 (\$100,000 per year or a total of \$300,000); renewable for two additional years; and authorize Purchasing Agency or designee to execute amendments under certain conditions - All Districts

42135 **APPROVED AS RECOMMENDED**

X

40. Approve price agreement Y1000000806 with Caliper Corporation for Maptitude Software Licensing and Maintenance, effective 11/1/03 (\$24,444.00); renewable for three additional years; and authorize Purchasing Agent to execute amendment under certain conditions - All Districts

41. **Treasurer-Tax Collector** - Approve amended price agreement N2000004597 with Wausau Financial Systems for cashiering system hardware and software maintenance, 1/1/04 - 12/31/04 (\$4,800; new total \$75,265.53) - All Districts

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 42-S55A)

HEALTH CARE AGENCY

42. Approve Memorandum of Understanding with Orange County Department of Education for mental health services - All Districts
34125 **APPROVED AS RECOMMENDED**
 X
43. Approve agreement 03-75383 with State Department of Health Services for Ocean Water Quality Monitoring and Public Notification, 7/1/03 - 6/30/06 (\$626,712); and authorize Director or designee to execute subsequent amendments under certain conditions - All Districts
34125 **APPROVED AS RECOMMENDED**
44. Approve amended agreement with State Department of Health Services for Cancer Detection Partnership services - All Districts
43125 **APPROVED AS RECOMMENDED**
 X

INTEGRATED WASTE MANAGEMENT DEPARTMENT

45. Approve price agreement N1000005598 with Carmody Construction Company for maintenance and repair services, IWMD facilities, 1/27/04 - 1/26/05 (\$242,690); renewable for two additional years - Districts 3 & 5
52134 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

46. Select HNTB as primary and RBF Consulting as alternate firms for design of Paularino Avenue reconstruction and gate relocation; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 2
23145 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

47. Approve amended agreements CRC0803A with Orange County Child Abuse Prevention Center (\$75,000; new total \$677,507) and CVC0703A with New Alternatives, Inc. (\$92,910; new total \$1,526,741) for in-home parental aide services for domestic abuse families, 2/1/04 - 6/30/04 - All Districts
12345 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

48. **District Attorney** - Adopt resolution approving submission of grant application to State Office of Homeland Security/Office of Emergency Services for Project Safe Neighborhoods Program, 11/1/03 - 10/31/04 (\$150,000); authorizing District Attorney or designee to execute subsequent amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts
41235 **APPROVED AS RECOMMENDED**
 RESO: 04-022

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GENERAL ADMINISTRATION

49. **County Counsel** - Provide Board policy direction to staff regarding Board Member membership and alternate designations on Boards, Commissions and Committees - All Districts
B.O. **DISCUSSED, NO ACTION TAKEN**
50. **Assessor Department** - Adopt resolution approving agreement with State Department of Finance for participation in State-County Property Tax Administration Grant Program (AB-589), FY 2003-04 - All Districts
23145 **APPROVED AS RECOMMENDED**
 RESO: 04-023
51. **County Counsel** - Consider first reading of "An Ordinance of the County of Orange, California Amending Article 1 of Division 3 of Title 3 on Adoption of the Uniform Fire Code and Amendments Thereto"; and set second reading and adoption for 2/3/04, 9:30 a.m. - All Districts
23145 **APPROVED AS RECOMMENDED**

County Executive Office:

52. **Acting as the Legislative Body of Community Facilities District No. 2003-1 (Ladera Ranch)** - Approve in concept Community Facilities District No. 2003-1 (Ladera Ranch) bond financing of public improvements and due diligence plan - District 5
53124 **APPROVED AS RECOMMENDED**
53. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; and adopt resolution supporting legislation directing the Public Utilities Commission and California Coastal Commission to approve the City of San Clemente's Beach Safety Enhancement Project - All Districts
53124 **APPROVED AS RECOMMENDED**
 RESO: 04-024
- 42135 **DIRECTED STAFF TO WORK WITH GOVERNOR'S OFFICE ON THE GOVERNOR'S PROPOSAL TO RECAPTURE AN ADDITIONAL \$1.3 BILLION IN PROPERTY TAX STATEWIDE TO REDUCE THE FINANCIAL IMPACT ON ORANGE COUNTY BY USING AN ALTERNATIVE FORMULA VS. THE PAST ERAF FORMULA**
54. **Human Resources** - Approve amendment 4 to price agreements with various providers for temporary help services, 2/1/04 - 1/31/05 (aggregate total of \$1,500,000 for all agreements) - All Districts
21345 **APPROVED AS RECOMMENDED**

Registrar of Voters:

55. Approve amended price agreement Y1000000711 with Maximus-Hart for consulting services to complete 10/7/03 Special Election tasks (\$180,627; new total \$26,360,162.13) - All Districts
15234 **APPROVED AS RECOMMENDED**

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S55A. Approve Hold Harmless and Indemnity agreement with various sponsors for indemnification of operating early voting sites at City Halls and malls at various locations, 2/3/04 - 2/22/04 - All Districts

31245 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 56)

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

56. Public Hearing to consider adopting "An Ordinance of the County of Orange, California Repealing Ordinance 01-016 Amending the Foothill/Trabuco Specific Plan"; and adopt resolution rescinding resolutions 01-423, 01-424 and 01-425 relating to the Rancho Potrero Leadership project - District 3

B.O. **CLOSED PUBLIC HEARING**

32145 **APPROVED AS RECOMMENDED**

RESO: 04-025

ORD: 04-002

V. CLOSED SESSION (Items CS-1-CS-2)

GENERAL ADMINISTRATION

County Counsel:

CS-1. Closed Session
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):

Name of Case: Robert Lauro v. County of Orange, ANA 0334264; ANA 0334180; ANA 0345353

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ROBERT LAURO V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

CS-2. Closed Session
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):

Name of Case: Vedanta Society of Southern California v. County of Orange, OCSC Consolidated Case No.791309 (consolidated with OCSC Nos. 804137, 804139 and 02CC18220)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF VEDANTA SOCIETY OF SOUTHERN CALIFORNIA V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

S U M M A R Y A C T I O N M I N U T E S

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Larry Laven - Oral re: Probation Department concerns

Darrell Nolte - Oral re: Diseased cow concerns and health issues in Orange County

BOARD COMMENTS:

Board of Supervisors - Oral re: Prop 172 Sales Tax for Public Safety funding

ADJOURNED: 12:31 P.M.

None

*** KEY ***

Left Margin Notes

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order

Right Margin Notes

- O. = Ordinance
- R. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board